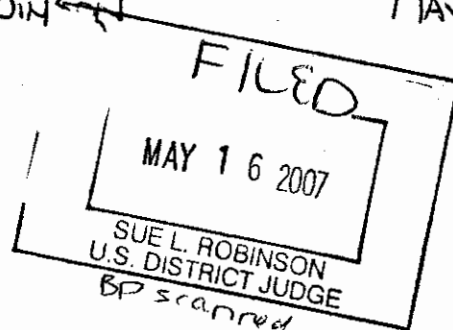


THE HONORABLE SUE L. ROBINSON
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
844 NORTH KING STREET
WILMINGTON DELAWARE 19801



MAY 12TH 2007

RE: DISCOVERY IN, Hopkins V. Posey, ETAL. CA. No: 05-870-SLR

DEAR Chief Judge Robinson,

YOUR HONOR, I AM WRITING THIS LETTER IN ORDER TO ADDRESS THE DEFENCES REFUSAL TO PROVIDE THE PLAINTIFF WITH MATERIALS REQUESTED THROUGH OUT THE DISCOVERY PROCESS.

ON SEPTEMBER 13TH 2006 THE PLAINTIFF SENT THE DEFENCE HIS FIRST REQUEST FOR PRODUCTION OF DOCUMENTS. THE DEFENCE REFUSED TO PROVIDE THE PLAINTIFF WITH A VAST MAJORITY OF THE REQUESTED MATERIALS.

ON APRIL 3RD THE PLAINTIFF WROTE THE DEFENCE. AGAIN THE DEFENCE HAS REFUSED TO PROVIDE THE PLAINTIFF WITH REQUESTED MATERIALS.

ON APRIL 1ST THE PLAINTIFF SUBMITTED HIS 3RD REQUEST FOR PRODUCTION OF DOCUMENTS. THE DEFENCE STATED WITHIN THEIR "RESPONSE IN OPPOSITION TO PLAINTIFFS MOTION TO ISSUE SUBPEONAS", DATED APRIL 26TH 2007 PARAGRAPH # 3 "THE PLAINTIFF HAS FILED SEVERAL DISCOVERY REQUESTS ON DEFENDANTS TO WHICH THEY HAVE RESPONDED OR ARE IN THE PROCESS OF RESPONDING."

THE PLAINTIFF WOULD LIKE TO CHARACTERIZE THE DEFENCES RESPONSES AS NON-RESPONSIVE. FURTHERMORE THE PLAINTIFF FEELS THAT THE DEFENCE HAS PURPOSELY REFUSED TO ANSWER THE REQUESTS WITHIN A TIMELY FASHION. IF THE DEFENCE WAS GOING TO REFUSE DISCOVERY REQUESTS THEN THEY SHOULD KNOW THIS SHORTLY AFTER RECEIVING THOSE REQUESTS. WAITING 40 DAYS FROM APRIL 1ST TO MAY 12TH TWO DAYS BEFORE THE DEADLINE FOR DISCOVERY SEEMS TO THE PLAINTIFF AN LONG TIME TO SAY NO.

SIMPLE COMMUNICATION BETWEEN THE PLAINTIFF AND THE DEFENCE IS DIFFICULT. I BELIEVE THAT I HAVE MADE A GOOD FAITH EFFORT TO RESOLVE THE ISSUE OF DISCOVERY MATERIALS WITH THE DEFENCE.

YOUR HONOR, WITHIN THE PLAINTIFFS 3RD REQUEST FOR PRODUCTION OF DOCUMENTS THE PLAINTIFF REQUESTED SEVERAL INSTITUTIONAL POLICY STATEMENTS. DURING THE NOVEMBER 26TH 2004 INCIDENT FOR WHICH THE PLAINTIFF HAS BROUGHT THIS ACTION THE PLAINTIFF WAS:

- A) SUBJECTED TO THE USE OF FORCE.
- B) SUBJECTED TO THE USE OF A CHEMICAL AGENT.

THE PLAINTIFF FEELS THAT HE SHOULD BE ALLOWED TO INVESTIGATE IF CORRECTIONAL OFFICERS FOLLOWED INSTITUTIONAL PROCEDURES.

THE PLAINTIFF FEELS THAT ANY PREVIOUS DISCIPLINARY ACTION REPORTS AGAINST THE DEFENDANTS MAY BE RELEVANT.

THEREFORE THE PLAINTIFF WILL BE FILING A MOTION TO COMPEL THE DEFENDANTS TO COMPLY TO SEVERAL DISCOVERY REQUESTS AND FOR AN TIME EXTENTION FOR SUCH COMPLIANCE AS YOUR HONOR DEEMS NECESSARY.

DUE TO TIME CONSTRAINTS THE PLAINTIFF IS NOT AT PRESENT ABLE TO OBTAIN 11 DEL. C. § 4322 AND DEL 29.C. § 10001 TO ATTEMPT TO DETERMINE ON WHAT GROUNDS THE DEFENCE HAS OBJECTED TO DISCOVERY REQUESTS. THE PLAINTIFF WILL ADDRESS THIS ISSUE WITHIN HIS MOTION TO COMPEL.

YOUR HONOR, THANK YOU FOR YOUR TIME AND PATIENCE.

SINCERELY YOURS,

Shane Hopkins

SHANE HOPKINS #253918

D.C.C.

1181 Paddock Rd

SMYRNA DELAWARE

19801

CC: STACEY XARHOLAKOS
DEPUTY ATTORNEY GENERAL

IM SHANE K. HOPKINS
SBI# 253918 UNIT # 22
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

"Legal Mail"

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U.S. DISTRICT COURT
DISTRICT OF DELAWARE
844 NORTH KING STREET ROOM 4209
WILMINGTON DELAWARE

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